

SENATE BILL 3442  
By Jackson

AN ACT to amend Tennessee Code Annotated, Title 29,  
relative to eminent domain.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 29-16-105(a), is amended by deleting the language "five (5) days" and by substituting instead the language "one hundred eighty (180) days".

SECTION 2. Tennessee Code Annotated, Section 29-16-107, is amended by deleting the section in its entirety and by substituting instead the following:

(a) Upon application of the defendant, the court shall conduct a hearing into the purpose of the appropriation of the property at issue. Such hearing shall be held at least ninety (90) days prior to trial.

(b) After the requisite notice has been given, if no sufficient cause to the contrary is shown, the court shall issue a writ of inquiry of damages to the sheriff, commanding the sheriff to summon a jury to inquire and assess the damages.

(c) By consent of parties, or on application of the plaintiff, unless objection is made by the defendant, the writ of inquiry may be issued by the clerk, as of course, after service of notice, on which the sheriff will summon the jury.

SECTION 3. Tennessee Code Annotated, Section 29-16-116, is amended by deleting the language "with costs." and by substituting instead the following language:

and the court shall order that all court costs and attorneys' fees be adjudged against the petitioner.

SECTION 4. Tennessee Code Annotated, Section 29-17-603(a), is amended by deleting the language "thirty (30) days" and by substituting instead the language "ninety (90) days".

SECTION 5. Tennessee Code Annotated, Section 29-17-605, is amended by deleting the section in its entirety and by substituting instead the following language:

If no objection is made to the acquisition of the land, or in case there is an agreed price between the petitioner and the presumptive or apparent owners of the property, the trial may be had before a jury not earlier than one hundred eighty (180) days after the return date; and in the discretion of the presiding judge all questions of title may be tried by the same jury at the same time.

SECTION 6. Tennessee Code Annotated, Section 29-17-611(b), is amended by adding the following language to the end thereto:

The court shall order that all court costs and attorneys' fees be adjudged against the petitioner.

SECTION 7. Tennessee Code Annotated, Section 29-17-803, is amended by deleting subsections (b) and (c) in their entirety and by substituting instead the following language:

(b) Notice of the filing of such petition shall be given the owner of the property or property rights at least ninety (90) days prior to the taking of any additional steps in the case. If the owner is a nonresident of the state or unknown, notice shall be given by publication as provided by law in similar cases in chancery.

(c) The owner of the property or property rights shall have the right to petition the court for a hearing on the purpose of the condemnation within ninety (90) days of receiving notice. The court shall order such a hearing upon valid petition.

(d) After the expiration of ninety (90) days from the date of the giving of the notice required by subsection (b), and if the right to take is not questioned, the

condemner shall have the right to take possession of the property or property rights sought to be condemned, and, if necessary, to place such condemner in possession thereof, the court shall issue a writ of possession to the sheriff of the county to put the condemner in possession.

SECTION 8. Tennessee Code Annotated, Section 29-17-805, is amended by deleting the section in its entirety and by substituting instead the following language:

If the owner is not satisfied with the amount assessed by the condemner, the owner shall, within one hundred eighty (180) days after the serving of such notice, appear, except to the amount assessed by the condemner, and thereupon a trial may be had before a petit jury as other civil actions are tried.

SECTION 9. Tennessee Code Annotated, Section 29-17-812(a), is amended by deleting subdivision (1) in its entirety and by substituting instead the following language:

(1) The court shall tax the bill of costs prepared by the clerk and all attorneys' fees against the condemner.

SECTION 10. This act shall take effect July 1, 2006, the public welfare requiring it.